

## **REMARKS**

Applicants and their undersigned attorney have carefully reviewed the Office Action of October 3, 2006 in the above-identified patent application, together with the prior art reference cited and relied on by the Examiner in the rejection of the claims. The present invention is not anticipated by, and is not obvious in light of, the cited prior art. Reexamination and reconsideration of the application, and allowance of the claims is respectfully requested.

The currently pending claims provide a method of improving the combustion of, and the slag resulting from, the combustion of a hydrocarbonaceous fuel composition. The method includes providing a hydrocarbonaceous fuel composition that has a transition metal-containing compound, at least one alkali metal compound, and a magnesium-containing compound. The fuel is combusted, which results in the formation of slag. The amount of transition metal, alkali metal and magnesium contained in the fuel composition is in an amount effective to improve the slag resulting from the combustion of the fuel.

Currently, all of the currently pending claims, claims 24-37, stand rejected under 35 U.S.C. section 103 in view of Wallace (U.S. Patent No 5,944,858). Claim 24 is an independent claim and the remaining claims depend therefrom. The dependent claims are not discussed individually in the Office Action. The Examiner's position is that Wallace does not specifically exemplify a composition wherein the manganese compound is combined with both alkali metal and magnesium compounds.

Wallace also does not teach an improvement to slag resulting from the combustion of a hydrocarbonaceous fuel composition. Such an improvement is not

inherent to Wallace because the treat rates taught by Wallace are relatively low.

Wallace was attempting to solve a problem other than the improvement of slag resulting from the combustion of a hydrocarbonaceous fuel composition.


As such, the claims as currently amended clarify a possible improvement(s) to the slag resulting from the practice of the invention. In addition, a treat rate based upon the teachings of the specification is now specified. Wallace does not teach, suggest or otherwise render obvious the currently pending independent claim or any claims depending therefrom.

As is evident from the foregoing, the now-claimed invention that includes a treat rate of at least 60 ppm of magnesium. The treat rate is nowhere disclosed or otherwise taught in the cited reference. Therefore, any argument of inherency is not supported in those references.

Applicant submits that the claims are now in condition for allowance. Favorable action is requested hereon.

The Commissioner is hereby authorized to charge any deficiencies in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2127.

Respectfully submitted,

  
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### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the appropriate address at the U.S. Patent and Trademark Office required under 37 C.F.R. § 1.1(a) on December 20, 2006.

by:

  
Alexander D. Raring